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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,265	05/18/2006	Endre Koriath	9007-1019	6105

466 7590 03/26/2007

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EXAMINER

VANTERPOOL, LESTER L

ART UNIT

PAPER NUMBER

3782

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/571,265	Applicant(s) KORLATH, ENDRE	
	Examiner Lester L. Vanterpool	Art Unit 3782	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-15 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 9-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>March 9, 2006</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, Figures 1 – 4 do not disclose the insert compartmented as recited in claim 11, line 18. The insert being compartmented as claimed in claim 11, line 18 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant recites in claim 10: an element for closing and opening.

4. Examiner notes that applicant is evoking 112, 6th paragraph in claim 13, line 22 by reciting: means for immobilizing.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 9, 10, 11, & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Poluhowich (U.S. Patent Number 4753377).

Poluhowich discloses the frame (18) (See Figure 7); belt-fastening means (26) attached to the frame (18) (See Figure 7); and the cavity (22) defined within the frame

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(18); the cavity (22) constituting the compartment (See Figures 2 & 7) bounded by planar surfaces (20) (See Figures 1, 2 & 7) and dimensioned for accommodating at least one credit card; the compartment having a top opening (See Figures 1 & 7) and the insert (34) removably fitting into the compartment (See Figure 7); wherein the insert (34) having an inner space (56) for receiving the valuables (58) (See Column 3, line 46 – 48) (See Figure 7).

To the degree of the examiners understanding, regarding claim 10, Poluhowich discloses the element (38) for closing the opening (See Figures 1, 2 & 7).

To the degree of the examiners understanding, regarding claim 11, Poluhowich discloses the insert (34) is a compartmented plastic holder (See Column 4, lines 45 – 48).

Regarding claim 15, Poluhowich discloses guiding extensions (via end portion of 20) provided bilaterally on the frame (18) (See Figures 1, 2 & 7).

7. Claims 9, 10, 12, 13, 14 & 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen (U.S. Patent Number 5217150).

Chen discloses the frame (10) (See Figure 1); belt-fastening means (18) attached to the frame (10) (See Column 2, lines 2 – 3) (See Figure 1); and the cavity (See Figure 1) defined within the frame (10); the cavity (See Figure 1) constituting the

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compartment (See Figure 1) bounded by planar surfaces (See Figure 1) and dimensioned for accommodating at least one credit card; the compartment (See Figure 1) having the top opening (See Figure 1) and the insert (30) removably fitting into the compartment (See Figures 1 & 4); the insert (30) having the inner space (34) (See Column 2, lines 6 – 8) and (See Column 2, lines 16 – 18) for receiving the valuables (See Figure 2).

To the degree of the examiners understanding, regarding claim 10, Chen discloses the element (via the end wall edge of reference character 30) for closing the opening (See Figure 4).

Regarding claim 12, Chen discloses the insert (30) is the openable and closable (by means of 38) flat box (30) (See Figure 2).

Regarding claim 13, Chen discloses the locking means (14, 16, 17, 42, 141 & 142) for immobilizing the insert (30) in the compartment (See Figure 1) (See Column 2, lines 27 – 56).

Regarding claim 14, Chen discloses the locking means (14, 16, 17, 42, 141 & 142) comprises snap-in components (14, 42 & 141) formed on the insert (30) and the frame (10) (See Column 2, line 35 – 37) (See Figure 1).

Regarding claim 15, Chen discloses the guiding extensions (via inner recess side walls of frame 10) provided bilaterally on the frame (10) (See Figure 1).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Craighead (U.S. Patent Number 4068787) and Withers (U.S. Patent Number 1753765).


Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



LLV


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